

Jonathan G Stewart
Provence, Tiffany N v. United States of America, et al

February 9, 2022

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION
IN ADMIRALTY

TIFFANY N. PROVENCE, AS THE PERSONAL REPRESENTATIVE
OF THE ESTATE OF JUAN ANTONIO VILLALOBOS HERNANDEZ,

Plaintiff,

vs.

CASE NO. 2:21-cv-965-RMG

UNITED STATES OF AMERICA,
CROWLEY MARITIME CORPORATION,
CROWLEY GOVERNMENT SERVICES, INC.,
DETYENS SHIPYARD, INC. AND
HIGHTRAK STAFFING, INC. D/B/A
HITRAK STAFFING, INC.,
Defendants.

30(b)(6)

DEPOSITION OF: DETYENS SHIPYARD, INC.
BY: JONATHAN G. STEWART

DATE: February 9, 2022

TIME: 2:56 PM

LOCATION: Detyens Shipyards, Inc.
1670 Dry Dock Avenue, Suite 200
Building 236
North Charleston, SC

TAKEN BY: Counsel for the Plaintiff

REPORTED BY: TERRI L. BRUSSEAU

1 Q. And so that this is clear, I'll do my
2 best to ask straight and plain questions. If at
3 any time you don't understand them, just let me
4 know and I'll try to clarify it.

5 A. Okay.

6 Q. Terri here is taking everything down
7 and I want to make sure you understand. Even
8 though the judge and the jury aren't here, this is
9 part of the ongoing lawsuit down in federal court
10 in Charleston.

11 A. Um-hum.

12 Q. Do you understand that?

13 A. Yes, sir.

14 Q. Okay. And you know that your testimony
15 today is not being given in your individual
16 capacity, but Mr. Hood has made you available to
17 answer questions on behalf of HiTrak Staffing. Do
18 you understand that?

19 A. Yes, sir.

20 Q. Okay. Great. And so, Mr. Stewart,
21 tell us what your job is at HiTrak. What's your
22 job title?

23 A. I'm the general manager.

24 Q. All right. And how long have you been
25 general manager at HiTrak?

1 A. Fourteen years.

2 Q. And who is your actual employer? Is it
3 HiTrak?

4 A. My actual employer is Detyens
5 Shipyards.

6 Q. Okay. So when you get a paycheck, it
7 comes from Detyens?

8 A. It does.

9 Q. But Detyens assigns you to be general
10 manager for HiTrak?

11 A. That's correct.

12 Q. Does HiTrak have any full-time
13 employees?

14 A. One.

15 Q. And who is that?

16 A. Raymond Quevedo.

17 Q. And what is his job title?

18 A. He's our skilled recruiter.

19 Q. And he's not a Detyens employee?

20 A. No.

21 Q. He's strictly HiTrak?

22 A. He's a HiTrak employee.

23 Q. But he's the only one?

24 A. He's the only one.

25 Q. All right. Mr. Stewart, as general

1 manager for HiTrak -- well, first of all, do you
2 have any other jobs besides being general manager
3 for HiTrak?

4 A. No.

5 Q. Nothing like -- Mr. Fary, a minute ago,
6 he was treasurer for HiTrak and also treasurer for
7 Detyens Shipyard.

8 A. No. I have no dual duties.

9 Q. Okay. And as the general manager for
10 HiTrak, how long have you had that position?
11 Fourteen years you said?

12 A. Fourteen years, yeah.

13 Q. All right. And tell us a little bit
14 about sort of your general job description. What
15 is it that you do?

16 A. Well, HiTrak is a staffing service that
17 supplies additional labor and skilled trades to the
18 shipyard, so my job is to make sure that we keep
19 our customer happy.

20 Q. And your only customer is the shipyard?

21 A. That's correct.

22 Q. All right. And then who do you report
23 to at HiTrak, if anybody?

24 A. Probably the board, I guess.

25 Q. And who's on that board, if you know?

1 A. Lloyd Stewart, Leo Fary, Larry
2 Reynolds, Jimmy Lamb and David -- I don't know
3 David's last name. David -- I forget his last
4 name.

5 Q. That's okay. And in your job as
6 general manager, do you report regularly to that
7 HiTrak board?

8 A. No.

9 Q. Infrequently?

10 A. Not formally. More informal. Phone
11 call if they need it or whatever.

12 Q. Okay. Is there anybody higher than you
13 at the company that's an employee of HiTrak?

14 A. No.

15 Q. Okay. And there was some testimony a
16 few minutes ago about some folks that are Detyens
17 employees, like Vicki?

18 A. Yeah. There are three other Detyens
19 employees that are working at HiTrak.

20 Q. And who are those three?

21 A. Paul Friedman, our safety director,
22 Vicki Hawkins, who's the secretary, and Joseph
23 Mack.

24 Q. And what does Mr. Mack do?

25 A. He's more our labor coordinator.

1 A. We'll get an order for ten welders.

2 Q. Okay.

3 A. And we provide ten welders. And then
4 Detyens assigns them to whatever jobs they need to
5 have done.

6 Q. I got you. So once you -- so the only
7 role you really play is in selecting the personnel
8 to be provided to Detyens?

9 A. We screen and drug test and orientate
10 and provide the necessary initial contact with them
11 and then make sure they are trained and are able to
12 do their job.

13 Q. Okay. And then these folks that you're
14 training and making sure they're able to do their
15 job, are they -- they're not employees of HiTrak,
16 are they?

17 A. They are employees of HiTrak, yes.

18 Q. Okay. They are.

19 A. We're a temporary service company.

20 Q. Okay. So are they W2?

21 A. Yes.

22 Q. W2 employees?

23 A. W2 employees.

24 Q. I got you. Not 1099. Now, was
25 Mr. Hernandez -- you know Mr. Hernandez, my

1 Q. All right. So nothing that HiTrak --
2 HiTrak had no impact on Mr. Hernandez's wages, is
3 that correct?

4 A. That's correct.

5 Q. All of the decisions about how much to
6 pay Mr. Hernandez and how to pay Mr. Hernandez are
7 decided by Southern Skill?

8 A. That's correct.

9 Q. Okay. And tell me how it is then that
10 HiTrak gets -- has Mr. Hernandez provided to their
11 pool of labor. How does that work?

12 A. We have -- we have a temporary service
13 agreement with companies that work for us that
14 provide additional labor for HiTrak. It's -- it's
15 done in the temporary service industry. So you --
16 you would have like a gatekeeper. We would say,
17 okay, Detyens needs 300 people. Well, HiTrak is
18 not going to be able to provide 300 people in a
19 three-week period, so we ask other companies to
20 come in and provide additional temporary helpers,
21 temporary workers to supplement our needs to help
22 the customer.

23 Q. Okay. Depending on whatever job needs
24 are?

25 A. Right. Right.

1 A. Yes.

2 Q. Sometimes 16?

3 A. That's correct.

4 Q. Is it -- and we're going to get to the
5 contract with Southern Skill, but is the
6 relationship between HiTrak and Southern Skills
7 very similar to the relationship between Detyens
8 and HiTrak contractually?

9 A. Yes.

10 Q. Okay.

11 A. I would believe so.

12 Q. Right. I mean, it kind of works the
13 same, doesn't it?

14 A. Yes.

15 Q. You call Southern Skill --

16 A. Southern Skill bills HiTrak and we pay
17 them for their invoices, yes.

18 Q. Okay. But is it then true that HiTrak
19 actually has no real hand in the execution of the
20 work?

21 A. That's correct.

22 Q. All right. All of the execution of the
23 work is handled by Detyens, not by HiTrak?

24 A. That's correct.

25 Q. All right. But HiTrak does do some

1 safety training, for example, is that right?

2 A. Yes. That's correct.

3 Q. And HiTrak does, or does it -- does
4 HiTrak inspect a particular job site where its
5 personnel are going to be working for safety
6 issues?

7 A. We have periodic walk-throughs. Our
8 safety -- safety guy does periodic job
9 walk-throughs.

10 Q. And who is the safety guy?

11 A. Paul Friedman.

12 Q. He's also a Detyens employee, correct?

13 A. Yes.

14 Q. But he exclusively works for HiTrak?

15 A. That's correct.

16 Q. And so when it came to the LUMMUS and
17 the lifeboat repairs that were being done there,
18 you would expect Mr. -- is it Fary?

19 A. Friedman.

20 Q. Friedman, excuse me. To have done
21 safety inspections of the LUMMUS, is that right?

22 A. Daily walk-throughs, not specific jobs.

23 Q. Daily walk-through, what do you mean by
24 that?

25 A. Walk up the gangway and walk around and

1 talk to the employees, make sure that there's --
2 safety equipment is properly being used, that there
3 aren't any -- might be that there might be a tank
4 or something still on, a gas tank on, but just
5 general safety walk-throughs to inspect the boat.

6 Q. Okay.

7 A. Clean up debris, wires across the
8 walkways and tunnels.

9 Q. All right. And anything more that you
10 would expect Mr. Friedman to do when he's doing
11 these daily walk-throughs?

12 A. No.

13 Q. All right. Would that be considered
14 any type of safety inspection, general --

15 A. It would be a general job safety
16 inspection.

17 Q. But that's not -- who are you counting
18 on to provide a safe working environment for the
19 HiTrak personnel being assigned to a particular
20 job?

21 A. The -- Detyens Shipyards.

22 Q. Detyens Shipyards. What about when you
23 have a job on a boat or on a ship, what's the role
24 of the owner of the ship as it pertains to the job?

25 A. I don't have any idea.